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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined initial, second and third periodic reports of States parties

Gambia*

* The present report is being issued without formal editing.

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INTRODUCTION

The Republic of The Gambia ratified the convention on The Elimination of All Forms of Discrimination Against Women (CEDAW) on the 1st day of December 1992.

By ratifying this convention, The Gambia placed itself under an obligation to honour and implement the basic tenets of the convention i.e. the complete and unconditional elimination of all forms of discrimination against women. Here it is important to note that the convention was ratified without any reservation. This in effect means that The Gambia made an unequivocal pronouncement that she is prepared and willing to honour all the obligations enshrined in the convention.

This Report seeks to examine the status of women in The Gambia vis-a-vis the CEDAW convention. It gives a situation analysis of the period following the ratification of the convention with a view to establishing how far The Gambia has gone toward honoring its international obligation under CEDAW. As required by the convention the initial report of The Gambia was due on the 16thof May 1994. An earlier attempt in 1993 to submit the Initial report as required by the Convention proved abortive due to administrative lapses. The report therefore, is a combination of the initial, the second, and the third report which are all due, as required by the Convention.

In determining whether the rights and protection enshrined in CEDAW are guaranteed and protected in The Gambia, the very first law to examine is the Constitution, which is the basic and fundamental law of the land. It is therefore pertinent to note that at the time of the Ratification of the Convention the fundamental law of The Gambia was the 1970 Republican Constitution. The 1970 constitution, inter alia, formed the background or basis for determining how far the basic tenets enshrined in CEDAW were reflected in our national legislative and legal system. The 1970 Republican constitution was however abrogated by Decree No 30, following the July 1994 military take over. The National Assembly adopted the 1997 Second Republican Constitution, in January 1997. The 1997 constitution replaced the 1970 Republican Constitution.

In order to highlight the strides made in the advancement of women in The Gambia, it is necessary to compare the provisions contained in both constitutions. A comparative analysis of the two shows significant strides made with regard to Articles 1 and 9 of the convention which deal respectively with the definition of Discrimination and Nationality. For the very first time in the constitutional history of The Gambia the definition of the term discrimination was extended to include discrimination based on "Gender". Also for the very first time a child born outside The Gambia to a Gambian Mother is entitled to Gambian citizenship by descent irrespective of whether the father is a Gambian or not. The 1997 constitution also guarantees certain rights, which were not contained in the 1970 constitution. One such right is contained in Section 27, which provides that marriage shall be based on the full consent of both parties. Section 28 also provides for the rights of women, providing that "women shall be accorded full and equal dignity of the person with men". Subsection (2) of Section 28 also provide that "women shall have the right to equal treatment with men, including equal opportunities in political, economic and social activities".

The protection of these rights in the 1997 constitution are indeed innovative and a step in the right direction vis-a-vis adherence to the provisions of CEDAW. However, Part Two of this Report will show that these are not unqualified rights. In the first place they do not in some instances reflect the realities on the ground and secondly the same constitution also recognizes and preserves the application of customary law and practices in The Gambia which to a large extent is discriminatory against women.

However, despite these limitations, the provision of these rights in the constitution should be viewed in a positive light because this is the very first time that rights like these have been provided for in the constitutional history of The Gambia.

Apart from the 1997 constitution, it is important to note that in the area of Policy a National Policy for The Advancement of Women has been prepared and adopted by the National Assembly. The policy addresses

issues of priority concern to women relating to education, health, violence, peace, economics, power and decision-making, media, environment and poverty. The Policy is indeed an innovation in the drive towards the advancement of women. Its effective implementation will greatly enhance the status of women.

PART ONE

COUNTRY PROFILE

PHYSICAL FEATURES

The Gambia is a small State in West Africa with a land area of 10,698 square kilometres, varying in width between 42 kilometres near the mouth of the river to 24 kilometres further upstream and stretching about 480 kilometres in length. The country is divided in half by the River Gambia, which runs the entire length of the country from the Futa Jallon Highlands in the Republic of Guinea. It is bounded on the North, South and East by Senegal and to the West by the Atlantic Ocean. The Capital Banjul is an Island situated near the mouth of the River Gambia. The Country's tropical climate is marked by distinct dry and wet seasons.

The Country is divided into seven administrative areas, North Bank Western, Lower River, Central River and Upper River Divisions, each headed by a Commissioner and the Banjul and the Kanifing Municipality. The Country is further divided into eight Local Government areas namely- Banjul, Kanifing, Brikama, Mansakonko, Kerewan, Kuntaur, Jangjangbureh, and Basse. The Divisions are further divided into a total of thirty-five districts locally administered by Chiefs.

THE POPULATION

The population is currently estimated at 1.3 million. This projection is based on the 1993 Census figure of 1.038145 million and 4.2 per cent annual growth rate. This figure consists of 519,950 males and 518,195 females. In 1993, foreign nationals accounted for 13.7 per cent of the population. Of the Gambian nationals, females constituted nearly 51 per cent.

The total fertility rate is high at 6.04 children per woman in 1993 and has declined only slightly over the past three decades. Currently the crude birth rate is 46.2 per thousand. The death rate (11.3 per thousand), though dropping, is still high. Life expectancy at birth is low at 55 years overall, and 54 years and 57 years for males and females respectively. The high fertility rate and low life expectancy have resulted in a very youthful population structure. According to the 1993 Census, nearly 45 per cent of the population was below 15 years and 19 per cent between the ages 15 and 24.

	1983	1993
Population -	687,817	1,038,145
Male -	49.74%	519,950
Female -	50.26%	518,195
Rural Population	80%	63%
Urban Population	20%	37%
Female life expectancy	44.2 years	57 years
Male life expectancy	41.3 years	54 years
Annual Population Growth	3.4%	4.2%
Crude Birth Rate	50.05 per 1000	46.2 per 1000
Crude death Rate	21.2 per 1000	11.3 per 1000
Literacy Rate (Females)	14.7%	26.6%
Literacy Rate (Male)	38.5%	55.0%
Income Per Capita	US$165	US$360

Source: ***Central Statistics Department, Ministry of Finance and Economic Affairs 1983-1993***

Population by Five Year Age Group and Gender, 1973 – 93

Age Group	Male			Female		
	1973	1983	1993	1973	1983	1993
<1	8,556	9,262	14,817	8,591	8,872	14,230
1-4	32,676	49,160	69,882	33,160	49,494	69,288
5-9	36,825	55,638	81,904	36,435	55,812	81,887
10-14	24,587	37,514	61,472	22,868	35,268	61,181
15-19	19,419	29,398	52,499	21,354	33,672	56,027
20-24	20,817	27,187	44,742	22,420	31,352	46,626
25-29	22,192	27,770	40,923	24,528	33,088	47,126
30-34	18,190	20,920	30,510	18,221	24,029	34,756
35-39	14,052	16,973	24,924	12,725	16,120	24,529
40-44	12,343	14,999	21,142	11,421	14,679	20,554
45-49	9,147	11,330	16,593	6,831	8,831	12,449
50-54	8,923	10,415	14,320	7,413	9,289	11,877
55-59	5,276	6,164	9,041	3,170	4,172	585
60-64	5,973	7,330	9,754	4,700	6,174	8,411
65+	10,545	13,804	17,487	8,336	11,657	16,007
Not Stated	865	4,269	9,940	940	3,174	7,462
Total	**250,386**	**342,134**	**519,950**	**243,113**	**345,683**	**518,195**

Source: ***Population Censuses, 1973 – 1993***

SOCIO-CULTURAL SITUATION

There are five main ethnic groups in The Gambia: Mandinka, Fula, Wollof, Jola, and Serahule and about half a dozen other minority groups. Despite the cultural variations among ethnic groups, male dominance is the common norm. Gender disparities are notable in that women have little decision-making power and are mainly valued for their reproductive roles. Due to lack of awareness and traditional gender stereotyping, it is generally accepted by a majority of both men and women that the status of women is inferior to that of men. Early marriage is common among all ethnic groups and is a contributing factor to low female enrolment in schools, particularly in the rural areas.

THE ECONOMY

Despite The Gambia's relative peace and stability in the West African sub-region, the country is one of the poorest in the world. It occupies the 148th place in the United Nations Development Programme's 2001 (UNDP) 162-National Human Development Index. An analysis of women's socio-economic position must be viewed against the backdrop of the country's overall underdevelopment.

The economy is mainly agrarian. Almost all the inhabitants of the rural areas comprising 63% of the population, are engaged in some kind of crop production. Groundnut is the major cash crop and is produced mainly by men. Men also produce cotton for export. Women are mainly engaged in the production of food crops mostly for consumption, such as rice, vegetables, sorghum, millet and maize. Men are also involved in upland crop production, but most of the farm labour is done by women and is unpaid. Thus the products of women's agricultural activities go towards feeding the family and sale in local markets for cash. The economy is currently being diversified into animal husbandry, oil seeds production, cotton production, and fisheries.

After the serious economic downturn of the late 70's and mid 80's, the Government shifted its heavy reliance on the agricultural sector and dependency on groundnut exports to diversification in the service

sector - particularly tourism. Significant contribution from the tourism industry continued to rise until halted in 1994 soon after the military take-over. By 1995 tourism had fallen by more than half its contribution in 1993/4. The implications of poor export performance, structural adjustment and financial austerity measures and the drop in tourism revenue, all male dominated sectors, are evident in the Gambia. It is the women who subsidise men's crop failure in rural economies and high unemployment in urban areas by supporting their families with the limited income they receive from casual farm labour, informal gardening, petty trading and other activities.

THE POLITICAL SYSTEM

The Gambia is a member of the British Commonwealth. Since independence in 1965, it enjoyed continued political stability. However in 1994, it came under military rule following a coup d'etat. After a two-year transition period, presidential elections in September 1996 led to the restoration of democratic rule in 1997. The president of the Republic, who is elected every five years by universal suffrage, heads the government.

The Gambia is amongst the few countries in the developing world that have made notable efforts to empower women politically. The post of vice-president is currently held by a female, making her the first female vice-president in the sub-region. In addition, the Secretaries of State for Education and Fisheries and Natural Resources are women, indicating a commitment to increase women's representation at decision-making level.

THE LEGAL SYSTEM

The Gambia's legal system is modeled on the English legal system. The laws consist of the common law, doctrines of equity and the statutes of general application in England prior to 1888. In the Gambia, Sharia law is applicable and governs the personal law of over 90% of the population. Therefore both English law and Sharia are administered contemporaneously. The latter however, is restricted to matters like Marriage, Divorce, and Inheritance, which for the purposes of this report are the main areas of controversy vis a vis the enhancement of the status of the Gambian woman.

The Constitution of the Republic of the Gambia 1997 is the supreme law of the land and it provides for the existence of the Judicature as a separate and distinct arm of Government. The Judicature consists of the Supreme Court at the apex, the Gambia Court of Appeal, the High Court and the Magistrate Court. There is also a Cadi Court with jurisdiction over matters relating to the personal law of Muslims.

GOVERNMENT DEPARTMENTS AND NON-GOVERNMENTAL ORGANISATIONS THAT PROMOTE AND PROTECT THE ADVANCEMENT OF WOMEN

OFFICE OF THE VICE PRESIDENT AND DEPARTMENT OF STATE RESPONSIBLE FOR WOMEN'S AFFAIRS

The Vice President of the Republic is the Secretary of State responsible for Women's Affairs. The idea of entrusting this portfolio in the hands of the Vice-president, is a clear manifestation of the fact that Government realises and recognises the vital and important role women play in national development.

THE NATIONAL WOMEN'S COUNCIL

Even though The Gambia ratified the Convention in 1992, yet as far back as in 1980, in recognition of the special problems of women, the National Women's Council and Bureau were established by an Act i.e. The National Women's Council Act, No 9 of 1980. Section 5 of the Act provides that "the Council shall advise Government on all matters affecting the development and welfare of women and any other matters referred to it by the Minister". Sub-section 2 of section 5 further provides that the Council shall be charged with the following functions:

(a) to advise the Government on the education and training of women in all fields of human activity;

(b) to advise the Government on proper measures to be taken in mobilizing and integrating women as equal partners in the economic, social, and cultural development of The Gambia;

(c) to examine and study the economic, social and cultural structure of the society and to advise the Government on areas where the participation of women should be encouraged and strengthened;

(d) to study and advise the Government, on how traditional beliefs and practices have adversely affected the advancement of women and what steps should be taken to correct the situation;

(e) to study and recommend to the Government, plans and proposals for the establishment of large scale non-formal education and training programmes for the purpose of improving the standard of living in rural and urban communities and for the eradication of illiteracy;

(f) to organize from time to time, seminars, meetings, courses and other methods of providing education for the development and improvement of the skills of women in rural and urban areas;

(g) to use existing institutions as centers for the dissemination of such information as it considers necessary for the advancement and well-being of women."

The National Women's Bureau is the executive arm of the Council and is charged with its day-to-day administration. The Bureau is responsible for implementing policy decisions arrived at by the Council.

The Council and Bureau, with the support of and in collaboration with related institutional structures strive to integrate women into the Gambian socio-economic development process, as equal partners, participants and beneficiaries. Since its inception, the Bureau has embarked on a number of programmes and campaigns all geared towards the realization of its goals.

NON-GOVERNMENTAL ORGANISATIONS (NGOs)

The Government of The Gambia recognizes the existence of NGOs and the role they play in society as a whole particularly those that are interested in the welfare of women. For this purpose, an umbrella body called TANGO has been established, which is responsible for coordinating all NGO activities in The Gambia. The TANGO directory of NGOs indicates that there are a number of NGOs that are interested in promoting the development and advancement of women and the girl-child. Some of them are:

1. The Gambia Women's Finance Association, which basically assists women by offering them credit support and finance.

2. Action Aid The Gambia is an NGO whose principal objectives include to ensure basic education and skills training, increase access to education for children and adults and skills training and development for men and women.

3. Gambia Rural Development Agency, among the principal objectives of this organization is to assist the poorest households particularly the most disadvantaged group namely the women.

4. Women in Service Development Organization and Management (WISDOM) The principal objective of the organisation is to:

(a) provide easy access to credit for rural women and women in the informal sector; seek assistance from the Government, national and international organisations to implement development programmes for women;

(b) to provide relevant services that would enhance women's socio-economic status;

(c) assist women in organising, developing and managing their own productive activities.

5. GAMCOTRAP and BAFROW- These two organisations mission is to eradicate harmful and traditional practices and to promote women's rights and the rights of the girl-child. They also promote good health and safe motherhood.

6. Association of Gambian Entrepreneur (AGE) - This organisation provides for a Credit and Savings Scheme for women. In the AGE credit and savings scheme, women receive individual and group loans payable on a short-term basis.

7. Association for Promotion of Girl's & Women's Advancement in The Gambia - This organization operates skills centers and a nursery school for girls and young women.

8. Forum for African Women Educationalist (Gambia) FAWEGAM – This organisation is The Gambian Chapter of the Forum for African Women Educationalist. The main mission of FAWEGAM is "Supporting Girls and Women to Acquire Education for Development". To realise this mission the organisation:

(a) helps to initiate appropriate policy,

(b) undertakes advocacy activities aimed at promoting female education,

(c) mobilises resources in support of female education, and

(d) creates essential linkages with organisations and individuals committed to the promotion of female education.

The Secretary of State for Education is the Chairperson of FAWEGAM. The organisation has, in collaboration with the Department of State for Education, engaged in a number of activities geared towards enhancing access to education for the girl-child.

LEGAL STATUS OF CEDAW IN NATIONAL LAW

The CEDAW convention stands in the same stead as any other International Treaty or Convention, as a result, in determining its legal status, we shall examine the legal status of International treaties or conventions in national Law. The treaty making power of the state is vested in the executive. The President may exercise the power personally or through his Secretaries of State. When a treaty is signed it becomes a binding obligation on the state to observe and respect its international obligation; this does not however mean that the treaty is directly applicable in The Gambia.

The executive arm of Government, which is constitutionally mandated to enter into treaties, does not have legislative powers, it is therefore important that the legislature endorses the treaty. It is however important to note that mere ratification of a treaty does not mean that it is directly enforceable in our courts of law. For a treaty to be enforceable its provisions will have to be incorporated into national laws by way of legislation. Ratification of a treaty therefore imposes an obligation on the state to modify our national laws if necessary to bring them in conformity with the treaty.

From the above analysis, it is clear that CEDAW like any other International convention or treaty is not directly enforceable in our courts. In other words a citizen who is aggrieved by virtue of any discriminatory act or omission inflicted on him or her cannot invoke the provisions of CEDAW in seeking redress. Instead, he or she would have to look for some comparable provision in our national legislation. This in essence means that ratification of CEDAW imposes an obligation on our legislature to modify, adapt and review all national legislation in order to bring them in conformity with our international obligations under CEDAW. How far this has been done will be answered in Part Two.

PART TWO
APPLICATION OF THE CONVENTION

ARTICLE I - DEFINITION OF DISCRIMINATION

Article 1 of the convention is of paramount importance as it gives the definition of what constitutes "discrimination against women". It provides thus:

> *"For the purposes of the present convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their Marital Status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."*

At the time of ratification of the CEDAW Convention the relevant provision relating to protection from discrimination was section 25 of the 1970 Republican Constitution. This section guaranteed protection from discrimination on all basis except "sex". Subsection (3) of Section 25 clearly stated that

"..... the expression "discrimination" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinions, honor or creed whereby persons of one such description are subjected to disabilities or restriction to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description."

It is indeed evident from the above subsection that the 1970 Constitution of the Republic of The Gambia did not provide for any protection from discrimination on the grounds of sex. Strictly, this meant that Parliament could pass laws that were discriminatory against women.

The corresponding section in our Second Republican Constitution seemed to have taken care of this anomaly. For the first time in the constitutional history of The Gambia the definition of the expression "discrimination" was extended to include discrimination on the basis of sex Subsection (4) of Section 33 of the 1997 Second Republican Constitution provides thus:

"(4) In this section, the expression "discrimination" means affording different treatment to different persons attributable wholly or mainly to their respective description by race, colour, **gender**, language, religion, political or other opinion, national or social origin, property, birth or other status .....".

Subsection (4), standing on its own, is indeed an innovation. The essence of this subsection is on all fours with Article I of the convention. This is a significant stride in the advancement of women. However, the innovative provisions in subsection (4) are made subject to subsection (5). The provision affording protection from discrimination are excluded from laws which make provision for adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law.

ARTICLE 2 -
POLICY MEASURES UNDERTAKEN TO ELIMINATE DISCRIMINATION

The purpose of this article is to ensure that there is an appropriate constitutional and legal structure, to guarantee equality, to provide remedies and sanctions for public and private acts of discrimination and to repeal overtly discriminatory laws. The article provides thus:

> *"States parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:*
>
> *(a) to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*
>
> *(b) to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against, women;*
>
> *(c) to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
>
> *(d) to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
>
> *(e) to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
>
> *(f) to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
>
> *(g) to repeal all national penal provisions which constitute discrimination against women."*

The concerns raised in Articles I and II are inextricably linked. The first Article gives a broad definition of what constitutes discrimination against women, whereas the second Article enumerates the policy measures to be undertaken to eliminate discrimination. Here it is important to review all national policies, measures, and machineries that are put in place to achieve equality and to eliminate all forms of discrimination.

In the early eighties the Government of The Gambia adopted a policy of mobilising the human resources of the country. Given that women are such a distinctive human resource, being both producers of goods and services as well as reproducers of future generation, great attention was focussed on those socially defined roles and norms which direct and limit the enhancement and advancement of the status of the woman. During the 1981-86 five year plan period, The Gambia Government issued a policy statement recognising and acknowledging the important role of women in development, and policy measures were adopted both at national and sectoral levels aimed at integrating women in the national development process, and promoting equity. It was realised that discrimination against women continued in both the public and private spheres. Women were not adequately represented in Parliament as they did not use the strong political campaign force they represented during elections as a bargaining power for legislation to improve their status.

It was against this background that the National Women's Council and Bureau were established by an Act of Parliament. These machineries provided a fitting framework for addressing women's issues. After the establishment of the Bureau and council, various policies and measures were adopted to integrate women into The Gambia's development process. For instance a deliberate effort was made to ensure that the Chief Executive of the Bureau is represented at all policy-making levels.

However, the Council and Bureau had limitations in addressing women's issues and giving Gambian women a voice. This was due to a multitude of problems related to weaknesses in the institutional and organisational framework of the two bodies. Another limitation was the fact that there was indeed no comprehensive and articulated national policy on women to serve as the background within which women's issues could be addressed. Women's issues and problems were addressed on a project basis and as projects come to an end so too do activities and programmes collapse.

This tended to weaken the way that women's issues were dealt with both at national and community level to the extent that there had not been the necessary policy orientation to guide the coordination of the different strategies geared towards promoting the advancement of women. It was against this background that the Department of State responsible for women's affairs, mandated the Bureau to embark on the formulation of a National Policy on women in order to bridge the gaps in addressing the concerns of women, and to offer a framework within which Gambian women can move out of inequality and deprivation and move towards greater participation in national development processes. This initiative is indeed a welcomed and significant stride in the right direction. The National Policy for The Advancement of Women was adopted and ratified by the National Assembly in 1999.

The Policy is indeed timely and relevant in the context of the country's recently formulated '***Vision 2020***'. This the government's development blueprint aimed at transforming The Gambia into a self-reliant and developed nation by the year 2020, which cannot take place without women taking an active part in the activities necessary for the realisation of the vision.

It is indeed pertinent to note that, inter alia, one of the justifications for this new policy is the recognition of the need to fulfill The Gambia's international obligation under CEDAW, by pursuing policies that would eventually eliminate completely all forms of discrimination against women. It is also relevant to note that the preparation for the 1995 Beijing women's conference also acted as a catalyst for the preparation and formulation of the policy. It is within this context that the positive step of developing a National Policy for the Advancement of Women was embarked on. The policy seeks to provide a basis for the implementation of the Beijing Platform and it addresses priority concerns to women relating to education, health, violence, peace, finance, power and decision making, training, human rights, media, environment and poverty. The Policy, which is presented in three, identifies goals, objectives and strategies geared towards the advancement of women.

Part One provides an in-depth comprehensive analysis of the current situation. The national machinery for women's affairs and the sectors of education, population, health, agriculture, environment, tourism, youth and employment are critically reviewed in terms of their area of competence. The issue of poverty and violence in all its facets is also discussed. The general observations as far as the sectoral policies and interventions are concerned are that practical achievements have been made, but in terms of strategically changing the status of women the challenges are still overwhelming.

Part Two is a synthesis of international instruments such as the Beijing Platform for Action, CEDAW and The African Platform for Action and National Strategies. These are used as benchmarks against which to measure the successes and shortcoming of various sectors in policy formulation and implementation. Goals, objectives and strategies are proposed for the National Machinery that emphasizes their capacity building and human resource development functions and de-emphasizes their implementation role. Goals and strategies are drawn up for the various sectors to provide a framework for policy formulation and implementation of concrete and sustainable programmes for the advancement of women. This policy initiative is an attempt to bridge the gaps in addressing the concerns of women, and offers a framework within which Gambian women can move out of inequality and deprivation towards greater participation in national development processes.

Part Three proposes institutional arrangements for implementation of the National Policy for the Advancement of Gambian Women. The Department of State for Women's Affairs, will continue to be the focal point. The National Women's Council will be the National Assembly for women. The selection of Council Members would ensure the democratic nature of the Council and provide broad based representation giving the Council mandate to represent women's interests rather than that of politicians and to function as the supreme national body that promotes women's participation in the development process. The Bureau would serve as the support base for the National Women's Council.

The goals, objectives and strategies outlined in the Policy are indeed in consonance with the spirit and ideals of the CEDAW convention. Implementation of this National Policy will indeed put an end to the present imbalance and free the women of The Gambia from the shackles of discrimination. Adoption of the Policy will be followed by concrete Legislative action. There will be a systematic review of all Legislation affecting women with a view to bringing them in line with the Policy and the Convention. In situations where Legislation is not appropriate, relevant administrative measures will be put in place to implement the Policy. The National Women's Bureau and Council are presently initiating action on the revision of the National Women's Council Act with a view to bringing it in line with the Policy. This is the first step towards the implementation of the Policy. The revision of this and other legislation affecting women will provide a firm legal foundation for the implementation of the Policy and any other reform measures.

Apart from The National Policy For The Advancement Of Gambian Women, there are several other sectoral policies that specifically address the special needs of women and young girls. These Policies relate to matters such as education and health and will be dealt with under the relevant Articles dealing with each Sector.

ARTICLE 3 - BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ON AN EQUAL BASIS WITH MEN

This Article calls for the guarantee of basic Human Rights and Fundamental Freedoms on an equal basis with men. This of course will include protection from discriminatory practices. The Articles provides thus:

> *"States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedom on a basis of equality with men."*

The Article underlines the fact that equality between men and women is a pre-condition for women's full enjoyment of fundamental human rights and freedoms. Both the 1970 Republican constitution and the 1997 second Republican Constitution contain chapters on protection of fundamental Rights and Freedoms. However the 1997 constitution has several innovative provisions, which were not provided for in the 1970 constitution. Apart from the protection from discrimination based on gender, (discussed under Article 1), sections 27 and 28 contain two Rights, which are of utmost and fundamental relevance to the present article under discussion. They provide thus:

Right	Constitutional Provision
"Right to marry	27. (1) Men and women of full age and capacity shall have the right to marry and found a family.
	(2) Marriage shall be based on the free and full consent of the intended parties.
Right of Women to Equality with Men	28. (1) Women shall be accorded full and equal dignity of the person with men.
	(2) Women shall have the right to equal treatment with men, including equal opportunities in political, economic and social activities".

It is however, interesting to note that despite all these constitutional guarantees and protection, the practical realization of these is constrainted by several factors. In the first place, the same constitution and other relevant laws of The Gambia recognise the applicability of customary laws relating to marriage. Under the customary laws of The Gambia it is not unusual for a woman to be forced into marriage.

Secondly, even though women are accorded full and equal rights with men under the 1997 constitution; in practice women do experience discrimination and inequality. This is largely due to the social set up of The Gambia.

In Gambian society, the traditional roles of women are still recognised and inequality in the society is taken as given, having been reinforced by the patriarchal nature of our society and the effect of colonialism which ensured male dominance in decision-making positions. Most women are dependent as their domain is seen as the home, children and male partners. There is a general lack of awareness of their self-worth on the part of many women due to structural constraints reinforced by massive illiteracy and ignorance.

However despite these limitations, the provision of these rights in the constitution should be viewed in a positive light. It is hoped that once the required level of awareness and empowerment has been attained, women would be in a position to enforce these rights putting aside all non-legal social barriers.

LEGAL AID AND ACCESS TO DUE PROCESS OF LAW

There is no provision for legal aid in The Gambia. The Gambian chapter of the African Society for International and Comparative law (an NGO) does offer legal advice and counseling service, but this service does not specifically address women's issues.

Women being the poorest in the country cannot afford the payment of legal fees to enforce their rights. Tremendous assistance is therefore needed to facilitate their access to redress.

ARTICLE 4 – TEMPORARY MEASURES TO ACHIEVE EQUALITY

This Article recognizes that for women to achieve genuine de facto equality, it is necessary not only to remove discriminatory barriers, but also to promote equality by positive action. The Article provides thus:

1. "Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by states parties of special measures including those measures contained in the present convention, aimed at protecting maternity shall not be considered discriminately."

Under the present Article, a distinction is made between de facto and de jure discrimination. Considering the social and cultural set up of The Gambia, there may be instances where even though the law does not create or cause any impediment for women, the social and cultural environment may not be conducive for the achievement of equality. Here government is called upon to take positive steps to achieve genuine de facto equality.

To illustrate this provision, let us consider the political participation of women in The Gambia. The laws of The Gambia do not have any provisions which hinder women's participation in politics, however, the social set up in The Gambia is such that women are not encouraged to be in the forefront of politics. Even though the bulk of the people who are eligible to vote are women, it is interesting to note that women would rather vote for men than other women. This however is explainable, traditionally, society views men as the natural leaders, while women are supposed to give support to their men in the background.

Government is therefore committed to taking positive steps to rectify the imbalance until such a time the general populace would have achieved the required knowledge of gender awareness. Presently, there are only three females in the Cabinet compared to ten men. Up to December 2001 there was only one nominated female member in the National Assembly out of forty-nine members. However since the recently concluded National Assembly Elections (January 2002) significant strides have been made in this respect. All the five nominated members of the National Assembly are women. This should be viewed as a temporary special measure being put in place to correct the present imbalance until such time that the general populace acquires the requisite gender awareness. Despite this effort however, Government realizes that more effort should be made towards educating the electorate and dismantling the traditional views and perceptions that militate against women's effective participation in the political arena, thus the establishment of the National Council For Civic Education.

Political parties will be encouraged to adopt some form of affirmative action or quota system whereby female members are selected to contest election. The ruling A.P.R.C. Party fielded only one female candidate in the 1996 General Elections. However in the 2002 elections there was a significant development vis-a-vis women's political participation. For the first time in political history of the Gambia five women were bold enough to contest for seats in the National Assembly. One was elected unopposed, two contested and won and the other two lost to male candidates. Out of this number the ruling A.P.R.C. fielded the three candidates all of whom won, an opposition party (PDOIS) fielded one and the fifth woman contested on an independent platform. It is hoped that this development will signal the dawn of a new era in women's political participation in The Gambia.

ARTICLE 5 -
ACTION BY GOVERNMENT TO MODIFY CULTURAL PATTERNS THAT DISCRIMINATE AGAINST WOMEN

This article stipulates that states parties endeavour to help men and women to overcome predetermined, sexually stereotyped role behaviour and perceived concepts of inferiority or superiority of either sex. This is indeed the most difficult task for state parties as it presupposes the eradication of harmful traditional and cultural practices. This is an area that greatly affects the progress to equality and the full participation of women in society. It provides thus:

> *"State Parties shall take all appropriate measures:*
>
> *(a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;*
>
> *(b) to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases."*

This is an area that has remained unchanged. The laws of The Gambia still recognize the application of customary Law without any modification. Customary Law is applicable in The Gambia by virtue of section 5(1) of the Law of England Application Act.; Islamic Law is also applicable by both the Mohammedan Law (Recognition) Act and the District Tribunal Act. Paragraph (e) of Section 7 of the 1997 Constitution provides that "customary law is part of the laws of The Gambia in so far as concerns members of the community to which it applies."

There is indeed no doubt that in The Gambia there are many religious and traditional practices which are discriminatory against women. Some of them are not only discriminatory but are also harmful to the health of women.

An example of such a traditional practice is that of female circumcision. This practice is discriminatory, because it is traditionally believed that a circumcised woman offers more gratification to her husband than one who is not. The health hazards associated with such a practice are tremendous. To date there is no legislation against such a practice. Apart from customary law, Islamic Laws relating to Marriage, Divorce and Inheritance which govern the lives of over 90% of the population is discriminatory against women. Attempts that have been made to alleviate the situation have so far remained futile. In 1987, the Law Reform Commission prepared a comprehensive proposal relating to Muslims i.e. The Mohammedan Marriage Formation and Dissolution Bill, which was submitted to the Attorney General's Office for consideration, but to date no reaction has been made to it. This Bill contained several innovations which were geared towards the improvement of the lives of Muslim women, but it seems that little or no attention has been paid to it. For instance the Bill sought to codify the rights of women under Sharia law so that they will be aware of their rights and entitlements during marriage and whilst going through a divorce process. The women's Bureau and other pressure groups have been advocating for the presentation of this Bill to the National Assembly. It is also important that the general population is enlightened on the provisions of the bill, as it would seem that most of the opposition to the proposal is borne out of ignorance.

In the area of family education and the recognition of the common responsibility of men and women in the upbringing and development of their children, it is traditionally believed in The Gambia that child rearing is the responsibility of the mother. As a result the men leave this difficult task on the shoulders of the women. In most cases the men seldom stay at home to see to it that their children are taken care of. However efforts

have been made to improve the status of the family and to improve the quality of life of families, with both men and women playing an active role in the process.
The Government of The Gambia, with funding from UNFPA, has introduced the study of Population and Family Life Education into the formal education system of the country. It is hoped that with the introduction of such a subject in the school curriculum, boys and girls will be reoriented to abandon predetermined sexually stereotype role behaviour and false concepts of inferiority and superiority of either sex. This new orientation should help them know how to behave towards each other at home and at school and to prepare them for the realities of adult life.

From the forgone, it is clear that a lot needs to be done to fulfill the obligations under Article 5. Non-fulfillment of this Article would mean that the women of The Gambia would forever remain to be dominated by men. It is therefore important that the customary laws and practices that are discriminatory against and harmful to women are thoroughly reviewed with a view to making them more suitable to our needs.

ARTICLE 6 - TRAFFIC AND PROSTITUTION OF WOMEN

This article calls for measures primarily directed against those who profit from the exploitation of women, including the exploitation of girls. It provides thus,

> *"States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."*

The Gambia Government's commitment for the protection of women against immoral practices is given expression in various legislations. With respect to prostitution, Section 129 of the Criminal Code Cap 10 Vol. III 1990 Laws of The Gambia provides that

"Any person who procures or attempts to procure any woman or girl to become either in The Gambia or elsewhere a common prostitute is guilty of misdemeanor."

Also section 134 of the Criminal Code Cap 10 Laws of The Gambia grants power to a parent, relative or guardian to search any premises where a girl is suspected of being "Detained for the purposes of being unlawfully and carnally known by any man". It is also a criminal offence under section 135 (1) and 136 of the Criminal Code for a male or female to live wholly or in part on the earning of prostitutes or to persistently solicit or importunes for immoral purposes. The punishment for the aforementioned, which deal with the exploitation of prostitutes, is imprisonment for a term not exceeding three years.

Prostitution itself is criminalized by virtue of section 166 of the Criminal Code Cap 10 Laws of The Gambia, which provides that -

"Every person who in a public place persistently solicits or importunes for immoral purpose shall be deemed idle and disorderly and shall be liable to a fine not exceeding twenty dalasis or imprisonment for a term of one month or both such fine and imprisonment".

The penalty of D20.00 (twenty dalasis) i.e. $1.00 is inadequate and needs to be revised.

The Gambia is a small closely-knit, predominantly Muslim country so deeply rooted in traditional values, that in spite of the booming tourist industry, prostitution by Gambian women had not thrived until recently.

With the growing tourist industry, coupled with extreme poverty traditional values have disappeared and young girls are being lured into prostitution for quick money.

Incidents of rape or violence against prostitutes often go unreported, this may be largely due to the fact that due to societal norms and values, the society would not reconcile how a prostitute can complain of being raped. Where however there are cases of violence, the law enforcement agencies would take action irrespective of the complainant's profession.

With the increase in HIV/ AIDS awareness, prostitutes are regarded as the most vulnerable group. Leaflets have been distributed in the local languages advising prostitutes to ensure that their partners use the condom. The Department of State for Health in collaboration with the UNAIDS has launched a number of programmes aimed at sensitizing the public and especially sex workers on the dangers of unsafe sex.

Even though the law to some extent criminalises the concerns raised in this Article, the penalties provided need to be thoroughly reviewed. Studies and research would also be conducted to find out the social causes that drive women into prostitution. This could be a more effective means of solving the problem than mere criminalisation. It is however hoped that with education, and increased awareness and equal access to all social and economic facilities and benefits, women would be adequately empowered to enable them engage in decent means of earning a living and move away from vices like prostitution.

ARTICLE 7 - PARTICIPATION IN PUBLIC AND POLITICAL LIFE

This Article is in recognition of the fact that it is a fundamental principle that real equality requires that there be an equal opportunity to influence Law and Policy, to ensure that matters of concern to women are accorded proper priority and are dealt with by women themselves. The Article provides thus:

> *"States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right.*
>
> *(a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*
>
> *(b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*
>
> *(c) to participate in non-governmental organizations and associations conceived with the public and political life of the country".*

This Article reaffirms the principle that women have the same political rights as men. Even though legislation in respect of voting rights does not discriminate against women, in The Gambia women view themselves as supporters rather than active participants. Prior to the year 2002, only one woman had ever contested and won in a parliamentary election. Over the years few women have been nominated as members of parliament by the first Republican government. They could not affect any changes by virtue of the fact that as nominated members, they lacked voting rights in Parliament.

At the time of the 1994 military take-over, there was no female member of cabinet. Following the 1996 National Assembly elections there was only one female nominated member of the National Assembly, out of an Assembly of 49 members. This was rather strange considering that women constitute over 32 per cent of Gambian nationals who are eligible to vote and be voted for. They formed the majority of registered voters in all Divisions with the exception of Banjul and Kanifing. There were 243,527 female registered voters

during the elections which led to the second Republic. This constituted 54.8 per cent of total registered voters but there were no female presidential candidates. The only woman who contested for a parliamentary seat lost the seat to a male contestant.

As indicated under Article 4, significant strides have however been made in the recently concluded National Assembly Elections, (17th January 2002), when five women participated as candidates, three were elected and two lost. This is indeed a major break through and it will hopefully signal the dawn of a new era with regards to women's participation in the political life of The Gambia.

The Independent Electoral Commission's statistics have revealed that presently, women constitute 55.8% of registered voters whereas men constitute only 44.5%. This in essence means that, even though women still constitute the majority of registered voters, they have not attained the required level of awareness to appreciate the need to first of all, support and vote for their own women folk, and secondly, to participate actively by contesting for more seats in the National Assembly. Furthermore it is important to note that to date no woman has ever contested as a presidential candidate.

Significant strides have also been made at the policy making level. Presently there are three female members of Cabinet and all these women are entrusted with key and pivotal Departments of State. For the first time in the history of the Gambia we have a female Vice President (also responsible for Women's Affairs). In addition the Secretaries of State responsible for Education and Fisheries and Natural Resources are also female. The Deputy Speaker of the National Assembly is also a female.

At the grassroots level, the political status and participation of women is still low. In the history of The Gambia, there has never been a female Divisional Commissioner (Administrative head). To date, there is no female Chief (head of an administrative district), due to the patriarchal nature of the Gambian Society and the traditional belief that only men are capable of leading. The implication of this is that the views of women, who constitute over fifty per cent of the national population, are not heard at the grassroots decision making level. At the village level there are five village heads (Alkalo), this number though few, is indeed a significant development. Hitherto it was virtually impossible to have a female village head as the eldest male has always been favoured as opposed to the eldest female.

With regard to economic and employment opportunities there are no express laws or policies which hinder the access of women to job opportunities. However, statistics reveal a bias in favour of men, especially in the formal sector. This is a direct result of the low level of education among a majority of Gambian women. The cultural perception, especially among rural communities, is that a good woman marries and bears children and therefore has no business with education. This has resulted in unequal opportunities in education.

Though Policies have been adopted to correct this imbalance women are still disadvantaged. For example, there were 13,345 employees in the civil service as at February 1997, but only 21 per cent were females. According to the 1994 Employment and Remuneration survey in the formal private sector, conducted by the Central Statistics Department, less than 32 per cent of the formal private sector employees were females. The females are concentrated in the agricultural (5 per cent), community, social and personal services (16 per cent) and Hotels and Restaurants (15 per cent), sub-sectors. Over 75 per cent of employees in the formal private agricultural sub sector are females. This notwithstanding, 83 per cent of managerial and administrative positions are held by males, 79 percent of unskilled employees are females. Various factors act as a stumbling block in the upward mobility of women on the employment ladder. Demands of child and family care, parental and marital obligations are some of the factors that reduce a woman's flexibility in pursuing further long-term training. As a result, most women lack the relevant qualifications for rising to higher position.

However, despite the unfavourable statistics, in recent years the number of women who have ascended to the higher echelons of management and executive positions have increased. There are a number of women who are heads of institutions and several NGO bodies. To name a few

- The Secretary General and Head of the Civil Service;
- The Permanent Secretary Office of The President;
- The Permanent Secretary Office of the Vice-President
- The Director General of the Management Development Institute;
- The Executive Director National Women's Bureau;
- The Parliamentary Counsel;
- The Registrar General;
- The Project Manager Economic Management and Capacity Building Project;
- The Project Manager of the Population and Family Life Education;
- The Chief Executive at the Royal Victoria Hospital; and
- The Accountant General.

ARTICLE 8 - INTERNATIONAL REPRESENTATION AND PARTICIPATION OF WOMEN

This Article seeks to ensure that women are accorded equal opportunity with men in the area of Diplomatic and International participation. It provides thus:

> *"States parties shall take all appropriate measures to ensure to women, on equal terms with men without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations."*

Presently, the participation of women at diplomatic and international positions is very low. Out of the twelve ambassadorial positions there is no female ambassador and only three counselors. Generally therefore, there is no discrimination de jure, but de factor women are discriminated upon. Moreover, due to family commitments married women have found it difficult to accept diplomatic positions abroad. In The Gambia, it is more common and acceptable for a man to travel abroad on diplomatic posting with his wife and family, than a woman doing the same. This factor is therefore another obstacle to the advancement of women in diplomatic and international appointments.

ARTICLE 9 - NATIONALITY

This article has two basic ideas:

The first idea is that women, on an equal footing with men, shall have the right to acquire, change or retain their nationality, and that marriage or a change in the husband's nationality during marriage shall not automatically affect the woman's nationality. The second idea is that women shall have the same rights as men with regard to the nationality of their children. The Article provides thus:

1. "States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children."

Chapter II of the 1970 Republican Constitution of The Gambia, provided for qualification for citizenship of The Gambia.

According to section 3 of the Constitution, citizenship of The Gambia could be attained either by birth or descent. The provisions of the section relate to either parent. It therefore appeared that women have equal rights with their husbands in relation to the nationality of their children. But going by the provisions of section 6 it is obvious that this is only available where the child is born in The Gambia. The section provides thus:

"A person born outside The Gambia after 17th February 1965 shall become a citizen of The Gambia at the date of his birth if, at that date, his father is a citizen of The Gambia..."

This provision meant that the acquisition of Citizenship by children born outside The Gambia was dependent on the nationality of their fathers. Thus a Gambian woman who has a child born outside The Gambia with a non-Gambian cannot give her nationality to the child. This provision was grossly discriminatory against women. The only thing that could be done was to register that child as a citizen of The Gambia under section 4(1) of The Nationality and Citizenship Act. The acquisition of citizenship by non-Gambian spouses is also discriminatory. Here the only option available to a woman who marries a non-Gambian is to adopt the man's citizenship which means that she will be deprived of her citizenship. (Section 10).

However, the corresponding provision in the 1997 constitution, which is Chapter III (citizenship), has made considerable improvement on the status of women. In particular Section 10 provides that

"A person born outside The Gambia after the coming into force of this Constitution shall be a Citizen of The Gambia by descent if at the time of his or her birth either of his or her parents is a Citizen of The Gambia otherwise than by virtue of this section or any comparable provision of any earlier constitution".

This provision is indeed a departure from the provision of section 6 of the 1970 constitution which only accorded, citizenship to a child born outside The Gambia if that child's father (and not mother) was a citizen of The Gambia. This provision could therefore be considered as a useful measure in the drive towards according equal rights and privileges to both men and women.

Section 10 of the 1997 constitution is indeed an innovation. It has accorded women a right, which they had been clamouring for ages. This provision is therefore a brilliant example of a good practice vis-a-vis the CEDAW convention.

ARTICLE 10 - EQUALITY IN THE FIELD OF EDUCATION

This Article is very comprehensive; it recognizes the importance of education in enabling women and men to participate on an equal footing in all aspects of life in their countries. It provides thus:

"States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban area; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning."

Here even though there are no laws, which discriminate against the education of girls, there is evidence of social discrimination, as boys are always favoured. This Article therefore enjoins Government to double its efforts at ensuring that girls of school going age are enrolled in schools.

One important factor that has placed women at a disadvantaged position vis-a-vis men in terms of their economic development and political participation is their lack of access to education. According to the 1993 census, only 27% of adult women in The Gambia are literate whilst male literacy rate is twice as high, at 55%. The urban-rural divide cuts across female population with regard to literacy level, 40% of urban females are literate vs. 18.3% for rural female.

The ramifications of these differentials in literacy rates are compelling. For women in rural and urban areas, high rate of illiteracy is linked with economic hardship and drudgery as well as dependency and uncertainty. Most important, illiteracy is directly connected to hosts of social and poverty indicators such as maternal morbidity, infant mortality, children's malnutrition and illnesses. Also, women's illiteracy is linked to neglect of children's education, especially the girl-child. In rural areas women's illiteracy means that they are further disadvantage in terms of access to information and participation in rural development programmes to improve productivity, farming technology and marketing skills. Improving women's literacy and access to education will enable them to function as individuals.

Further, illiterate women are unable to move into more attractive white collar salaried positions such as managers, technicians, field extension workers and researchers, in public and private agricultural sectors or to move out of farming and agriculture altogether. Poor levels of literacy deepen rural women's dependence on men and few educated urban elite women to articulate their needs. Even the National Council for Women requires basic levels of literacy for aspirants to leadership and representative roles (Women's Bureau, 1999).

Improving women's literacy is both a right on its own and it is also an enabling right in the sense that it enables the person to be aware of and demand other rights due to her. Government is committed to improving the literacy status of women. In response it has designed and implemented several adult literacy projects from the 1970s to date. The vast majority of beneficiaries of these programmes were women.

In realization of the urgent need to correct the imbalance with regard to girls' education, a multi-sectoral working group on girls' education was established at the Department of State for Education. The main objective of this working group was to identify policies, strategies for attraction and retention of girls in the education system. A lot of sensitization campaign was done under the aegis of the working group. The Department of State for Education in collaboration with the Department of State for Health is currently making an attempt to revive the drive towards promoting girl's education. There is therefore a proposal to establish a steering committee on the Education and Health of the Girl Child.

This steering committee has a wider mandate incorporating health concerns of the girl child. Furthermore, the Department of State for Education has set of a Girls Education Unit within the Department. One of the mandates of this unit is to ensure that young girls are not deprived of the benefit of their Fundamental Right to Education. Several measures have been adopted by the Department of State in attaining its objective of ensuring access to education for young girls. One such measure is the establishment of the Scholarship Trust Fund for Girls. The Trust Fund is designed to enhance access, retention and performance of the Girl-child within the school system.

On the policy level, the Education Policy 1988-2003 was recently revised to take on board the special concerns of the girl-child. Hitherto, the policy gave very little attention to the girl-child. It is expressly stated in the Revised Education Policy that:

"A further fundamental issue (for the education system) is that of equity and the reduction of gender disparities by ensuring that girls and women gain access to education and achieve a high retention rate in each of the programme areas".

In the same vein the Education Master Plan stresses on the urgent need to increase girls Gross Enrolment Ratio at the Lower Basic level, from 60 per cent in 1996 to 73 per cent by 2002. During the same period, the Gross enrolment Ratio for girls at the Upper Basic level is expected to rise from 34 to 47 per cent.

However, despite all these efforts enrolment and literacy rates for females remain much lower than those for males. The 1996 Education Statistics reveal a very unfavourable picture. Of the population aged 10 years and over, 54.4 percent of males are literate, whereas only 26.4 per cent of females are literate. At the national level, 40.1 per cent of male children of school going age (i.e. males aged 7 to 22 years) are enrolled compared to 28.6 percent of females.

A look at literacy and enrolment rates by gender and Local Government Area suggests that in all these areas the females lag behind. The gender gap is however more pronounced in rural areas than urban areas. This is because the social, cultural, and poverty factors that inhibit girls' education, are more obvious in these areas.

This trend has not changed as revealed in the Multiple Indicator Cluster report, 2000. The report indicates that less than half (36) percent of the population over 15 years in The Gambia is literate. Overall male literacy rates have been found to be almost double the female literacy rates (48 per cent for males against 25 per cent for females). The rates being lower in the rural areas than in the urban area. The more recent Education For All (EFA) Report 2000 indicates that literacy rates remained constant at 37.2 per cent from 1991 to 1994 and then dropped slightly and remained constant at 37.1 per cent from 1995 to 1998.

The implication of all the above statistics is that Government is indeed faced with a Herculean task as far as redressing the present education imbalance. The Government of The Gambia is however committed to doubling its efforts in according women equal access to education, as here lies the solution to the problem of Gambian women in particular and the society in general. With education and increased awareness, Gambian women will be well equipped and empowered to assert their rightful position in society. Lack of education leading to lesser qualifications is, inter alia, the major stumbling block in the advancement of Gambian women.

TABLE 10.1 GROSS AND NET ENROLLMENT RATIOS BY GENDER, 1990 – 2001

Gross Enrollment Ratios		**1990/91**	**1991/92**	**1992/93**	**1993/94**	**1994/95**	**1995/96**	**1996/97**	**1997/98**	**1998/99**	**1999/00**	**2000/01**
Primary	Total	59%	59%	61%	63%	65%	68%	70%	72%	73%	72%	71%
	Female	47%	48%	50%	53%	55%	59%	61%	64%	67%	67%	67%
	Male	70%	71%	72%	74%	75%	78%	80%	80%	78%	78%	75%
Middle	Total	22%	22%	25%	25%	29%	27%	31%	34%	40%	42%	45%
	Female	16%	27%	19%	19%	21%	21%	26%	26%	32%	34%	37%
	Male	28%	17%	32%	32%	36%	33%	36%	42%	48%	51%	53%
Secondary	Total	11%	12%	14%	14%	16%	16%	16%	15%	16%	18%	18%
	Female	6%	7%	8%	8%	9%	11%	12%	8%	11%	13%	13%
	Male	17%	18%	20%	20%	22%	21%	21%	22%	21%	23%	22%
Net Enrollment Ratios												
Primary	Total	45%	46%	50%	50%	53%	57%	58%	59%	61%	65%	64%
	Female	37%	38%	41%	43%	46%	50%	52%	54%	56%	61%	60%
	Male	53%	55%	58%	58%	61%	65%	65%	65%	66%	69%	69%
Middle	Total	9%	8%	10%	9%	10%	15%	18%	17%	23%	23%	26%
	Female	7%	6%	8%	7%	10%	13%	16%	15%	20%	20%	23%
	Male	12%	9%	13%	11%	11%	18%	20%	19%	26%	26%	29%
Secondary	Total	3%	5%	4%	4%	2%	3%	2%	2%	8%	9%	9%
	Female	2%	3%	3%	3%	3%	3%	2%	2%	6%	7%	8%
	Male	5%	7%	5%	4%	2%	4%	2%	2%	10%	11%	11%

Source: Ministry of Education, 2001

TABLE 10.2 EVOLUTION OF LITERACY RATES (15-24 BY REGION AND GENDER – 1991 TO 1998)

	1991	1992	1993	1994	1995	1996	1997	1998
Region 1	59.7	64.6	62.6	61.3	59.7	58.2	56.6	55.1
Male (M)	67.1	75.3	72.9	69.8	67.1	64.5	62.0	59.6
Female (F)	52.1	53.7	52.2	52.6	52.1	51.5	50.9	50.3
Region 2	53.9	56.2	57.6	54.6	53.9	53.2	52.5	51.9
Male (M)	68.0	73.4	73.0	69.7	68.0	66.4	64.8	63.4
Female (F)	39.6	39.2	41.6	39.5	39.6	39.8	40.0	40.2
Region 3	44.3	43.0	46.4	43.8	44.3	44.7	45.3	45.8
Male (M)	60.2	59.8	64.5	60.0	60.2	60.5	60.8	61.1
Female (F)	30.2	28.1	30.6	29.5	30.2	30.9	31.7	32.6
Region 4	50.6	46.1	49.2	49.0	50.6	52.3	54.0	55.9
Male (M)	68.3	63.6	71.5	66.7	68.3	70.0	71.8	73.6
Female (F)	32.9	28.5	29.4	31.4	32.9	34.6	36.3	38.1
Region 5	35.7	32.9	35.8	34.7	35.7	36.8	37.9	39.0
Male (M)	53.4	49.5	53.9	52.0	53.4	54.8	56.3	57.8
Female (F)	21.1	18.8	20.6	20.3	21.1	22.0	22.9	23.9
Region 6	24.1	23.3	25.5	23.8	24.1	24.3	24.7	25.0
Male (M)	36.4	36.0	38.7	36.2	36.4	36.5	36.7	36.9
Female (F)	13.5	12.4	14.0	13.1	13.5	13.8	14.3	14.7

Source: Education For All Report 2000

TABLE 10.3 PERCENTAGE OF CHILDREN OF PRIMARY SCHOOL AGE ATTENDING PRIMARY SCHOOL, BY GENDER, AGE AND LGA, THE GAMBIA, 2000

	Male		Female		Total	
	% Attending	Number	% Attending	Number	% Attending	Number
Banjul	73.0	37	67.5	37	70.3	74
Kanifing	70.3	544	67.8	636	69.0	1180
Brikama	69.2	878	64.0	779	66.8	1657
Mansakonko	59.9	103	53.0	113	56.3	216
Kerewan	39.0	500	36.4	459	37.8	959
Kuntaur	36.3	97	33.2	107	34.7	204
Janjabureh	29.6	123	29.8	142	29.7	264
Basse	32.2	553	26.0	588	29.0	1141
Urban	65.4	918	62.4	1037	63.8	1955
Rural	48.1	1916	42.0	1824	45.1	3740
Age						
7	33.1	579	28.9	545	31.0	1124
8	55.7	534	46.3	550	50.9	1083
9	58.2	458	49.7	434	54.1	892
10	60.2	536	56.3	549	58.2	1085
11	66.7	312	60.4	301	63.6	612
12	57.0	417	61.2	482	59.3	899
Wealth Index Quintiles						
Poorest	36.4	628	30.2	624	33.3	1253
Second	55.6	690	51.2	558	53.6	1248
Middle	52.2	555	42.1	594	47.0	1149
Fourth	56.9	502	58.6	541	57.8	1043
Richest	74.4	414	70.3	499	72.2	913
Not Stated	60.0	45	47.0	45	53.5	90
Total	**53.7**	**2834**	**49.4**	**2861**	**51.6**	**5695**

Source: ***The Gambia Multiple Indicator Cluster Survey Report, 2000***

TABLE 10.4 PERCENTAGE OF CHILDREN ENTERING FIRST GRADE OF PRIMARY SCHOOL WHO EVENTUALLY REACHED GRADE 5, THE GAMBIA, 2000

	Percent in Grade 1 Eventually Reaching Grade 2	Percent in Grade 2 Eventually Reaching Grade 3	Percent in Grade 3 Eventually Reaching Grade 4	Percent in Grade 4 Eventually Reaching Grade 5	Percent who reach grade 5 of those who enter grade 1
Male	98.9	99.9	98.1	99.5	96.4
Female	99.1	98.1	99.9	99.9	97.0
Banjul	99.2	99.0	100.0	100.00	98.2
Kanifing	100.0	98.5	98.0	100.0	96.5
Brikama	99.3	98.8	100.0	100.0	98.1
Mansakonko	99.2	98.5	100.0	98.6	96.3
Kerewan	100.0	100.0	100.0	100.0	100.0
Kuntaur	97.0	98.5	98.5	100.0	94.0
Janjanbureh	100.0	98.0	100.0	100.0	98.0
Basse	94.7	100.0	97.0	95.8	88.0
Urban	99.4	99.0	98.5	100.0	96.9
Rural	98.7	99.0	99.3	99.4	96.5
Wealth index Quintiles					
Poorest	98.4	99.3	96.7	100.0	94.5
Second	99.8	98.5	100.0	98.6	96.9
Middle	97.9	97.2	99.7	99.7	94.6
Fourth	98.4	99.9	98.5	100.00	96.8
Richest	99.9	100.00	98.7	100.00	98.6
Not Stated	100.0	100.0	100.0	100.0	100.0
Total	**99.0**	**99.0**	**98.9**	**99.7**	**96.6**

Source: The Gambia Multiple Indicator Cluster Survey Report, 2000

TABLE 10.5 PERCENTAGE OF THE POPULATION AGED 15 YEARS AND OLDER THAT IS LITERATE, BY GENDER AND LGA, THE GAMBIA, 2000

	Male			Female			Total		
	% Literate	Not Known	Number	% Literate	Not Known	Number	% Literate	Not Known	Number
Banjul	72.4	.1	177	55.7	.1	188	63.8	.1	365
Kanifing	67.3	.4	2198	45.7	.3	2097	56.7	.3	4295
Brikama	47.3	.3	2327	24.4	.1	2184	36.2	.2	4511
Mansakonko	31.9	.0	279	12.2	.2	324	21.3	.1	602
Kerewan	34.6	.5	1152	16.8	.2	1304	25.1	.4	2456
Kuntaur	43.6	.7	240	12.1	1.1	266	27.0	.9	505
Janjanbureh	29.1	.3	375	12.0	.4	346	20.9	.3	720
Basse	36.2	.7	1201	7.4	.2	1479	20.3	.5	2680
Urban	64.1	.3	3410	40.4	.2	3449	52.2	.3	6859
Rural	36.5	.5	4538	13.5	.3	4738	24.8	.4	9276
Age									
15-24	63.0	.7	2664	41.0	.1	2781	51.8	.4	5445
25-34	54.8	.3	1859	24.9	.2	2308	38.2	.3	4167
35-44	43.6	.1	1360	14.1	.1	1314	29.1	.1	2674
45-54	30.5	.5	863	8.4	.5	990	18.7	.5	1853
55-64	28.1	.2	609	6.6	1.3	487	18.5	.7	1096
65+	20.5	.3	593	5.9	.0	307	15.5	.2	900
Wealth Index Quintiles									
Poorest	24.7	.3	1541	8.5	.6	1514	16.7	.4	3055
Second	39.5	.7	1428	13.1	.2	1607	25.5	.4	3035
Middle	44.4	.3	1523	16.7	.0	1580	30.3	.1	3103
Fourth	56.6	.5	1567	29.0	.2	1629	42.5	.4	3196
Richest	73.1	.4	1780	53.2	.2	1749	63.2	.3	3529
Not Stated	34.0	.0	110	26.8	.0	108	30.4	.0	218
Total	48.4	.4	7948	24.9	.2	8187	36.4	.3	16135

Source: The Gambia Multiple Indicator Cluster Survey Report, 2000

ARTICLE 11 - EQUALITY IN THE FIELD OF EMPLOYMENT

This article deals with women's equal rights in employment. It also deals with necessary measures to eliminate discrimination in employment on the basis of marriage or maternity and a periodic review of labor legislation. It provides thus:

1. "Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) the right to work as an inalienable right of all human beings;

(b) the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) the right to equal remuneration, including benefits, and of equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leaves;

(f) the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissals on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary."

This is also another area where even though the law does not discriminate; however, discrimination is experienced in practice. The Pubic Service Commission is responsible for appointments, promotions, transfers and disciplinary action of public officers. The Public Service Commission Regulations and the General Orders under which the Commission operates do not contain any expressed discriminatory provision. Yet still women's access to employment is limited, in terms of getting employed in the first place, staying in employment and making it to the top. The Population Data Bank 1995 shows that women occupy 12.8% of Managerial positions, 13.9% of the professional and technical, 26.3% of the clerical, 9.4% of the skilled labour force, and 61.9% of the unskilled labour category. Access to employment is determined by qualification, experience and availability. Due to a multitude of factors, women have not been able to compete with men in meeting these conditions. These include low educational levels leading to lesser qualifications, absence of special measures or affirmative action policies in training institutions or in the work place, the dual career role of women i.e. child care and family responsibilities together with work responsibilities.

In The Gambia women are entitled to maternity leave. The General Orders and the Labour Act, provide that a woman is entitled to six weeks leave before giving birth and another six weeks leave after giving birth. It is also provided that women are entitled to their salaries and benefits during these periods. However, women who are not in permanent employment (those who fall in the category of daily wage earners) are not entitled to maternity leave.

In addition, there have been several complaints that the six weeks leave after birth is far too short. This short period forces mothers to go back to work at a time when their babies most need their attention. This means that babies will have to be left in the hands of nannies, (who in most cases are too young and inexperienced to take proper care of babies), who may be negligent in their duties. There have been several campaigns by women to have this period extended so as to enable them to take care of their children.

It is also important to note that men are not entitled to paternity leave, this is a manifest indication of the attitude of the Gambian society i.e. it is the responsibility of the mother to take care of children and babies.

thus women are usually burdened by both their household chores and official duties without any assistance from their men. The idea of Child Care Support System does not exist in The Gambia. Women and men are however, entitled to the same retirement and pension benefits. They are also entitled to the same Social Security benefits under the Social Security and Housing Finance Corporation Act. In conclusion while women are making significant strides, (as evidenced by the examples given under Article 7) they still have several factors that militate against their access, retention and up ward mobility. Attrition rates are still high due to child care and family responsibilities and negative socio-cultural biases.

TABLE 11.1 DISTRIBUTION OF THE POPULATION BY AGE GROUP, GENDER, GEOGRAPHIC LOCATION AND EMPLOYMENT STATUS

Age Group (YRS)	Residence and Activity Status							
	Urban				Rural			
	Employed		Unemployed		Employed		Unemployed	
	M	F	M	F	M	F	M	F
10-14	956	1750	164	176	8096	8628	134	181
15-19	4886	4349	608	525	10549	12892	388	308
20-24	11895	5183	1683	883	12952	12968	788	401
25-29	15085	5484	1133	524	15611	15959	604	279
30-34	12232	4487	558	258	13252	13098	298	176
35-39	10200	3621	337	159	11283	9653	206	130
40-44	7929	2631	223	109	10428	8789	183	106
45-49	6096	1698	165	70	8345	5043	137	59
50-54	4339	1295	106	52	7943	4965	101	66
55-59	2597	654	88	33	4970	2191	79	32
60-64	2129	672	82	27	5638	2919	98	67
65+	2763	876	146	66	8650	3475	177	98
All Ages	81107	32700	5293	2882	117717	1000580	3193	1909

Source: Central Statistics Department, Employment and Earnings Survey 1998

TABLE 11.2 ESTIMATED PUBLIC SECTOR EMPLOYMENT (1992-1998)

Year	Total	Male	Female
1992	15,158	12,469	2,689
1993	14,224	11,555	2,669
1994	14,463	11,749	2,714
1995	14,706	11,947	2,759
1996	14,953	12,147	2,806
1997	13,447	10,924	2,523
1998	15,029	12,055	2,974

Source: Central Statistics Department, Employment and Earnings Survey 1998.

ARTICLE 12 - HEALTH CARE AND FAMILY PLANNING

This Article ensures women equal access to health care services, including Family Planning Services and advice. It provides thus:

> *1. "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.*
>
> *2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation."*

Health is an important pre-requisite for the well being of a nation. It is in recognition of this that The Gambia Government committed itself, through the Primary Health Care (PHC) Strategy, to improving the quality of, and making health services accessible to all.

Until the adoption of the Primary Health Care (PHC) strategy in 1979, the healthcare delivery system in The Gambia was largely centralized with the only three government run referral hospitals. The PHC strategy was adopted with the main aim of making health care more accessible and affordable to the majority of Gambians. A key target of the PHC was mainly rural settlements with a population of over 400 persons. For each PHC village a Village Health Worker (VHW) and a Traditional Birth Attendant (TBA) was trained to provide primary health care in their communities. The Village Health Workers (VHWs) are assigned the role of maintaining the supply of essential drugs, the provision of outpatient care, making home visits and carrying out health education programmes. The TBA's assist in deliveries and identify and refer at-risk mothers. Health care delivery at the primary level in The Gambia is provided through the PHC programme.

At the secondary level health care is delivered through a number of major and minor health centres. These have been identified as 7 major health centres 12 minor health centres and 19 dispensaries. The major Health Centres are staffed by resident doctors, registered and enrolled nurses and other auxiliary staff. Minor Health Centres until recently, when doctors were posted to a number of them, only had registered and enrolled nurses and other support staff. Dispensaries, on the other hand, are staffed by enrolled and community health nurses. Health care provision at the secondary level entails out-patient services and in-patient services at a small scale. At the tertiary level, health services are provided by three hospitals. These hospitals are located in Banjul, Farafenni and Bansang. Farafenni Hospital, opened not long ago, will go a long way in providing much needed referral services in the rural areas. The Royal Victoria Hospital (RVH), located in Banjul, is the main referral hospital offering specialist consultant services. The hospital operates a pharmacy, laboratory services and a polyclinic, which provides secondary level health services to Banjul and the surrounding urban area. Farafenni hospital provides referral services to people of the North Bank Division and adjacent areas. Although the hospital provides most specialist services, the hospital is yet to be fully operational. Bansang Hospital, the oldest rural hospital, serves the eastern part of the country with a catchments area covering about a third of the country's population. In addition to operating as a referral hospital, the hospital also operates a very busy outpatient department.

The health services that are provided by government-funded health institutions are supplemented by services provided by the private sector and non-governmental organizations (NGOs). Individuals and NGOs have established a number of health facilities, mainly in urban areas. Probably due to the higher costs involved in the provision of health services by the private sector, only a small proportion of the population is able to afford services provided by such facilities, hence the increasing demand on public-funded health services.

Notwithstanding the apparent gains of the health services of The Gambia over the past decade and beyond, the system is still faced with numerous constraints, which impede progress in the sector. Although infant and child survival has improved remarkably in the recent past, infant mortality remains among the highest in the sub-region, a clear indication of a lot of room for improvement. Similarly, maternal mortality stood at 1050 per 100,000 live births in 1990 is among the highest in the sub-region. These high levels of mortality are influenced by a host of factors.

Over the years it has been observed that resource allocation to the health sector has not been able to match the increasing demand for services. Although there has been an increase in Government recurrent expenditure in the Health Sector over the period 1990/91 to 1996/97, Government per capita expenditure on health in 1996/97 almost remained at the levels of 1990/91 (Public Expenditure Review, 1998). Considering a population growth rate of 4.2 per cent per annum and increased cost of health services over the period under review, the marginal increase in health expenditure is not likely to have much impact on the quality of health services.

Specialist services are still in high demand in The Gambia. Since most specialists are non-Gambians and usually on technical assistance, withdrawal of such assistance could adversely affect the quality of services in The Gambia. This state of affairs renders the health service delivery system of the country quite vulnerable. In addition of vulnerability due to reliance on non-Gambia health specialist, health funding in The Gambia is heavily dependent on donor assistance. This raises issues of sustainability in light of evidence of donor fatigue in the recent past.

The National Health Policy 1994-2000, formed the basis of health initiatives and programmes in The Gambia until recently replaced by The National Health Policy 2001. The main aim of 1994 policy was to improve the health status of the Gambian people through the reduction of the high infant and maternal mortality rates currently being experienced in the country.

To achieve this aim, disease prevention and health protection programmes had been prioritized. In view of the success of the PHC programme, it was decided that essential elements of the programme formed the basis of the policy. The thrust of the policy during the 1990s was to concentrate on:

- Family health, embracing maternal and child health, including family planning adolescent health, nutrition and immunization;
- Control of endemic diseases, principally malaria, acute respiratory infections (ARI) diarrheal diseases, leprosy and tuberculosis, sexually transmitted diseases (STD) and AIDS.
- Health promotion using Information, Education and Communication (IEC) protocols and preventive health interventions to address non-communicable diseases.
- Broad-spectrum training for different cadres of health personnel, at the village, secondary, tertiary and central levels of health care delivery.

The policy aimed at consolidating the gains made in the health sector and expanding the existing health services. Even though considerable improvement was made under this policy, there was a pressing need to improve the delivery of health services in order to better the health of the population and reduce the unacceptable prevailing morbidity and mortality rates. These rates are influenced by many factors among which is the uncoordinated delivery of services within different programme areas and at different levels of the health care system.

Thus in September 2001, The Gambia launched a new National Health Policy with the theme "Changing For Good". The policy aims at provision of quality health care services within an enabling environment,

delivered by appropriately and adequately trained, skilled and motivated personnel at all levels of care with involvement of all stakeholders to ensure a healthy population. A key component of the policy is the essential care package which aims at addressing the common causes of morbidity and mortality, especially for women and children. The policy focuses on improving efficiency and effectiveness in the organization and management of the health sector through management reform, creation of popular structures for re-enforcing community participation in decision making and devolution of responsibilities, authority and resources to the hospitals and divisional health management teams and village development committees.

TABLE 12.1 SUMMARY OF THE 1990 MATERNAL MORTALITY RATES

Residence/Region	Recorded Live Births	Recorded Mortality Rates (LB)	Maternal Deaths (per No. of LB) (per 100,000)
Urban	12	2002	600
Rural	52	4440	1171
South Bank	21	2124	989
North Bank	31	2316	1339
Western Region	12	1110	1081
Central Region	8	980	816
Eastern Region	32	2350	1361
PHC Village	24	2690	892
Non-PHC Village	28	1750	1600
The Gambia	64	6442	1050

Source: 1990 (Medical & Health Department Maternal Mortality Survey,)

TABLE 12.2 ESTIMATES OF MATERNAL MORTALITY USING THE INDIRECT (SISTERHOOD) METHOD

Age of respon-dents	No of respon-dents	No of sisters reaching age 15	No of Maternal deaths	Adjust-ment factor	Sister units of exposure to risk (e) = (b) x (d)	Lifetime of maternal death (e) = (b) /
(a)	(b)	(c)	(d)		(e)	
15-19	1,375	1,515	22	0.107	162.1	0.1357
20-24	1,852	2,722	28	0.206	560.7	0.0499
25-29	1,852	3,001	46	0.343	1,029.3	0.0447
30-34	1,407	2,322	34	0.503	1,168.0	0.0291
35-39	1,249	1,980	53	0.664	1,314.7	0.0403
40-44	946	1,294	41	0.802	1,037.8	0.0395
45-49	641	939	37	0.900	845.1	0.0438
15-49	9,322	13,773	261	N/A	6,117.8	0.0427

TFR 1987-91 = 5.95 (Source: Gambia Contraceptive Prevalence & fertility determinants survey, 1990) /
MMR = [(-Lifetime risk] 1/TER) x 100,000 = 730

Source: Maternal Mortality Survey 2001

TABLE 12.3 LIFE EXPECTANCY AT BIRTH (IN YEARS) BY LOCAL GOVERNMENT AREA, RESIDENCE AND SEX, 1983 AND 1993 CENSUSES

	1983			1993		
LGA	Male	Female	Both	Male	Female	Both
Banjul	53.2	56.5	54.8	55.8	59.4	57.6
Kanifing	47.8	50.6	49.2	52.4	55.6	54.0
Brikama	44.5	47.5	46.0	49.1	51.9	50.5
Mansakonko	37.1	39.9	38.5	43.6	45.8	44.7
Kerewan	40.8	43.7	42.2	47.0	49.6	48.3
Kuntaur	37.9	40.7	39.3	45.5	47.9	46.7
Janjanbureh	38.9	41.7	40.3	44.6	46.9	45.7
Basse	36.4	39.1	37.7	43.7	45.9	44.8
Urban	-	-	-	52.9	56.2	54.5
Rural	-	-	-	45.1	47.5	46.3
The Gambia	41.3	44.2	43.1	54.0	56.7	55.0

Source: 1983 and 1993 Population and Housing Censuses

Statistics have shown that prevalence of malnutrition is more common among girls than boys. In 1990, 16 percent of boys were malnourished compared to 75 per cent of girls (Gambia Nutrition Surveillance Programme). For the period 1991 to 1994 the malnutrition figures were 11 percent boys and 14 percent girls. The differences in level of malnutrition between boys and girls may be due to the special attention traditionally given to boys in Gambian Society in general.

A study conducted in 1987 by the Nutrition Unit of the Department of State for Health, showed that the majority of women preferred breastfeeding male children for longer periods than female children. Another factor, which could also explain the gender disparity in levels of malnutrition, is the traditional practice of male children eating with male parents and female children with female parents. Since male parents tend to have a better share of the feed, male children benefit from this gender imbalance in the food share. Here we find that our discriminatory behavioural patterns do affect the health status of women.

A new National Nutrition Policy 2002-2004 has been recently launched to address the malnutrition problems of the Gambia. The background information to the policy recognizes the fact that malnutrition continues to be a major public health problem in The Gambia, exacerbated by poverty, food deficit, rural-urban migration, environmental degradation, poor dietary habits, low literacy level, poor sanitation, infections, and a high population growth rate. It is further recognized that the seasonal agricultural pattern also contributes to acute food shortages in the rainy season often referred to as the "hungry season", as households exhaust their food supply before the harvest period.

Most importantly, is the acknowledgement of the fact that, the most vulnerable groups are women and children under five years of age. The policy document also refers to the fact that there is evidence that the majority of Gambian women who live in rural areas are in a constant energy-deficient state caused by poor dietary intake, heavy workload and a high infection rate. This being reflected in the high prevalence of low birth weight babies especially in the rainy season. Anaemia, due to iron deficiency, is also very common among women, especially during pregnancy, and is a major contributory factor to the high maternal morbidity and mortality rates.

The National Nutrition Policy therefore has as its vision the "improvement of the nutritional status of The Gambian population, particularly women and children." This vision is geared towards the ultimate goal of

attaining the basic nutritional requirements of The Gambian population, to assure a healthy and productive living.

TABLE 12.4 MALNUTRITION TRENDS AMONG CHILDREN UNDER FIVE 1985–1995 (PER CENT)

	Season		Sex of Child	
Year	Dry Season	Rainy Season	Male	Female
1985	-	21	-	-
1986	-	19	-	-
1987	12	21	-	-
1988	14	17	-	-
1989	13	-	-	-
1990	-	19	16	23
1991	14	16	-	-
1992	11	14	12	17
1993	10	13	11	16
1994	-	-	13	18
1995	12	12	-	-

Source: Medical and Health Department, Gambia Nutrition Surveillance Programme 1995

With regard to access to family planning service, this is still constrained by low literacy rates and also socio-cultural and religious obstacles. The majority of Gambian women especially those in the rural areas, lack the necessary empowerment to freely gain access to family planning services without hindrance. In most cases access to family planning is dependent on the consent of husbands.

The Government of The Gambia, however, in collaboration with The Gambia Family Planning Association is still continuing its efforts to sensitize women on the need and benefits of family planning. A Contraceptive Prevalence and Fertility Determinant Survey (GCPFDS) was conducted nationwide in 1990, through the collaborative effort of the then Ministry of Health and Social Welfare, The Gambia Family Planning Association and the then Ministry of Trade, Industry and Employment. The purpose of the survey was to obtain accurate information on Contraceptive Prevalent rate, factors that determine fertility, as part of the activities of formulating a comprehensive Population Policy, as well as determining levels of contraceptive use and indicators for effective planning, implementation and evaluation of health and family planning programmes.

It is important to note that current national policies and programmes continue to refer to data obtained from the 1990 survey despite the long period that may likely render the data obsolete and unsuitable for many national and development purposes. To rectify this data deficiency another survey was commissioned in 2001. The findings of the survey have not been published but the preliminary results indicate an improvement from the 1990 results.

TABLE 12.5 CURRENT USE OF ANY CONTRACEPTIVE METHOD BY MARITAL STATUS AND REGION

Age Group	Married Urban	Married Rural
15 – 19	25.7%	2.0%
20 – 24	26.2%	9.3%
25 – 29	17.5%	12.3%
30 – 34	36.4%	8.2%
35 – 39	30.4%	9.5%
40 – 49	23.2%	4.9%
Total	**26.2%**	**84.4%**

Gambia Contraceptive Prevalence and Fertility Determinant Survey, 1990

TABLE 12.6 KNOWLEDGE AND USE OF FAMILY PLANNING

	Percent
Knows Method	80.8%
Knows Source	76.3%
Ever used a method	24.3%
Currently using a method	11.8%

Gambia Contraceptive Prevalence and Fertility Determinant Survey, 1990

TABLE 12.7 SOURCE OF FAMILY PLANNING SERVICES

Source of Supply	Per Cent
Government	68.1%
G F P A	25.2%
Private	5.0%
Other	1.7%
Total	**100%**

Gambia Contraceptive Prevalence and Fertility Determinant Survey, 1990

TABLE 12.8 PERCENTAGE OF ALL WOMEN 15–49 AND MEN 18+ WHO KNOW SPECIFIC CONTRACEPTIVE METHODS

Contraceptive Method	Women who know method		Men who know method	
	Currently Married	All Women	Currently Married	All Men
Any Method	**46.0**	**44.5**	**42.2**	**40.8**
Any modern method	**53.8**	**52.2**	**46.2**	**45.1**
Pill	97.6	83.2	73.2	68.7
Lud	43.6	41.8	27.8	27.4
Injections	84.7	81.0	68.2	65.0
Diaphragm/foam	15.8	16.7	13.7	15.3
Condom	76.1	77.1	78.3	80.1
Female Sterilization	62.4	58.1	51.8	47.4
Male Sterilization	5.9	6.5	10.2	10.8
Any Traditional Method	42.8	41.2	46.4	43.9
Periodic Abstinence	35.0	34.6	34.2	33.1
Withdrawal	20.4	20.2	33.1	33.9
Juju/herbs	73.1	68.6	72.0	64.6
Any other Methods	1.5	1.4	1.4	1.4
Number of Women/men	4,141	5,786	3,091	5,050
Mean number of methods	4.93	4.92	5.32	5.27

Source: Maternal Mortality and Contraceptive Prevalence Study 2001

TABLE 12.9 PERCENT DISTRIBUTION OF ALL MEN BY GENERAL ATTITUDES TOWARDS FAMILY PLANNING, ACCORDING TO SELECTED BACKGROUND CHARACTERISTICS

Characteristic	FP services be available		FP information should be available to married persons		FP information should be available to unmarried persons	
	Yes	No	Yes	No	Yes	No
Age						
<20	7.4	4.3	6.3	6.3	7.5	4.8
20-35	50.2	32.3	46.5	30.5	51.7	31.8
36+	42.4	63.6	47.2	63.1	40.8	63.4
Total	63.6	36.4	81.7	18.3	59.6	40.4
Residence						
Urban	46.5	47.5	47.1	43.2	47.8	44.6
Rural	53.5	52.5	52.9	56.8	52.3	55.4
Marital Status						
Single	42.6	24.3	38.3	24.9	43.9	24.5
Married	55.6	74.6	60.0	74.5	54.1	74.7
Widowed	0.2	0.1	0.2	0.0	0.2	0.1
Divorce	0.2	0.5	0.3	0.3	0.3	0.3
Separated	1.2	0.4	1.1	0.3	1.3	0.3
	0.3	0.0	0.0	0.0	0.2	0.1
Education Level						
None	50.0	71.5	54.2	75.5	49.0	70.7
Primary	10.2	7.2	9.5	8.2	10.5	7.6
Secondary	30.4	15.5	27.3	12.6	30.9	15.8
Post-sec.	9.3	5.9	9.0	3.8	9.7	5.8
Health District						
Western Division	50.5	49.1	49.6	46.9	51.8	44.6
Lower River Div.	6.3	3.0	5.5	4.3	5.2	5.2
North Bank West	7.8	8.6	8.6	5.7	7.8	8.9
North Bank East	8.8	12.1	11.8	4.9	9.2	12.7
Central River Div	15.2	14.9	14.3	20.7	15.0	16.2
Upper River Div.	11.3	12.4	10.2	17.6	10.9	12.4

Source: Maternal Mortality and Contraceptive Prevalence Study 2001

The practice of female circumcision (FGM) is another practice, which still goes on in the Gambia despite the numerous sensitisation activities against it. Apart from causing pain and interfering with the woman's sexuality it can be dangerous to her health. The health concerns of women are indeed a priority issue for Government. Within the framework of the new Health Policy, Government commits itself to invest a lot in the health sector, to ensure improved access to adequate health care facilities for women. With regard to family planning services, women will be educationally empowered so as to enable them to make an informed and independent choice.

ARTICLE 13 -
ECONOMIC AND SOCIAL BENEFITS

This Article imposes an obligation on states parties to eliminate discrimination and to facilitate women's access to benefits, rights and activities from which they might be excluded. The Article provides thus:

> *"States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:*
>
> *(a) The right to family benefits;*
>
> *(b) The right to bank loans, mortgages and other forms of financial credit;*
>
> *(c) The right to participate in recreational activities, sports and all aspects of cultural life."*

In The Gambia, there are no family benefits that are made available by the state. The Widows and Orphans (African Offices) Pension Act 1964 has been revised and male workers who were contributing to this scheme have now been given the option to withdraw their monies if they retire from the service of The Gambia Government.

With regard to financial benefits the situation remains the same. There are no discriminatory laws in the area of access to bank loans and credit facilities. In theory a woman is entitled to borrow money from any financial institution once she can fulfill the conditions laid down by the institutions. It is however important to note that in practice there are a number of obstacles being faced by women in the areas of access to credit facilities. Most financial institutions will not grant credit facilities to any person unless and until that person has an adequate security or collateral to secure the repayment of the loans. In most cases, financial institutions will insist on landed property as security or collateral. In The Gambia, only a small proportion of women have title to landed property. The problem is more acute in the rural areas where as a result of the traditional and cultural practices women are not allowed to own land, they only have a usufructury right over land. Land in the rural areas is usually in the hands of heads of household who are invariably men. Financial institutions do not in most cases recognize the usufructury title being held by rural women. This means that strictly speaking rural women are denied the right of access to bank loans.

However, in realisation of the important role being played by rural women, several measures have been adopted by NGOs to alleviate the problem of women in the area of credit and finance. The majority of NGOs provide group rather than individual loans. Borrowing groups are often formed out of existing informal groups called "Kafos". Some NGOs also facilitate the formation of new groups to channel their financial services. There are NGOs in The Gambia whose loan programmes are exclusively for women. The Gambia Finance Association is one such organisation, which promotes and develops women entrepreneurship through the provision of a revolving fund and loan guarantee scheme.

ARTICLE 14 -
RURAL WOMEN

This Article is of particular importance. For the first time rural women as a group with special problems and deserving special attention are recognized in an international human rights instrument. The Article provides thus:

1. "States parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counseling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employ-ment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications."

The position of the rural women remains the same. Despite the essential role they play in the family and in the community, rural women as a group, are more disadvantaged than their men folk and also their urban sisters. They constitute about half the productive population yet they do more than half the country's work. Rural women are the main producers of rice, the staple food crop of the country. Through their productive activities, they contribute greatly not only to the physical welfare of their families but also to the economic life of the country. Yet their contribution goes largely unacknowledged because it is mostly unpaid. On their shoulders rest much of the burden of feeding themselves and their families and of looking after all the needs of their children. Although they provide much of the country's farm labour, their access to land is limited and conditional. As traders they are at an additional disadvantage since they have far from adequate access to information, training credit, and markets.

They are overworked due to the incessant demands on them as producers and also as mothers; a situation made worse by the low level of technology with respect to both farming and household tasks. Cultivating and preparing food, fetching water and firewood, frequent pregnancies and caring for their children are a continuous drain on their energy.

They tend to be less healthy and less well fed than their men folk, suffering from poor nutrition especially during the rainy season when they work the hardest.

Due to their productive role in society and also the traditional factors, they have less access than their men to both formal and non-formal education, and therefore they are less likely to be literate.

In realisation of the important role rural women play in the development of the country, rural communities have been accorded propriety status in the development process. National and international agencies have attempted to alleviate the living standards of the rural women by actively participating in enterprise development, horticulture, animal husbandry, providing health and sanitation facilities and granting loan and credit facilities. Despite all these, statistics have shown that there is "no substantial economic growth" in most rural communities" (UNDP Consultancy Report on the NGO credit and Saving Schemes operational in The Gambia. 1992).

Government is committed to paying Special care and attention to the plight of Rural Women. Here the inequalities are not only in relation to their male counterparts, but also in relation to their Urban sisters.

ARTICLE 15 - EQUALITY BEFORE THE LAW

This Article confirms the equality of women and men before the law. It specifies the areas of civil law in which women, especially married women have been most discriminated, namely conclusion of contracts in their names, the administration of property, freedom to travel and to choose a residence and domicile. It provides thus:

1. "States Parties shall accord to women equality with men before the law.

2. States parties shall accord to women, in civil matter, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect, which is directed at restricting the legal capacity of women, shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile."

In The Gambia all persons are equal before the law irrespective of sex, colour or creed. There is no provision in the Constitution or any other law, which denies women equality before the law. This of course is subject for the Sharia laws of Divorce, which offers husband easier access to divorce compared to the woman.

In The Gambia there is no law that incapacitates women whether married or not to enter into any form of contract, to administer their own property, to travel and choose their own domicile. As mentioned earlier the disadvantages that women are subjected to stems from societal beliefs and attitudes. Customary practices and traditions are such that a woman's domicile is dependent on the wishes of the husband. In the traditional rural set up administration of properties are done by men.

Even though women can legally enter into contracts most times their husbands would act on their behalf. In The Gambia women can act as Judges even though at present there is only one female Judge. There are a number of female lawyers in The Gambia who have the same rights as their male counterparts. A woman can serve as a witness in all the courts, and their evidence carries the same weight as that of men, except in the Cadi court where the evidence of two female witnesses is equivalent to that of one male.

Under this Article, Government will sensitize women to make them know that indeed they are equal with men before the law. They will be encouraged to abandon their customary and traditional belief that they are not so equal. Officials who preside over customary matters (chiefs and members of District Tribunals) will also be sensitised.

ARTICLE 16 - MARRIAGE AND THE FAMILY

This Article covers very sensitive areas of private Law that are often based on traditional or religious practices and on the concept of distinctive roles and rights for men and women. It provides thus:

1. "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of quality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children, in all cases the interest of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions were these concepts exist in national legislation; in all cases the interest of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory."

In The Gambia, there are four forms of marriages.

- The Christian Marriages governed by the Christian Marriages Act Cap 41:03 of the Laws of The Gambia;
- Mohommedan Marriages which is governed by Sharia Law and recognised by virtue of the Mohammedan Marriages and Divorce Act Cap 42 of the Laws of The Gambia;
- Civil Marriages governed by the Civil Marriages Act Cap 41:02 of the Laws of The Gambia, and
- Customary Marriages which is governed by the customary practices of the communities to which it relates, and recognised by virtue of the Law of England Application Act.

The 1997 Constitution provides in section 27 (2) that marriage shall be based on the free and full consent of the intended parties. Under all the systems of Marriages a woman has the right to choose her prospective partner or husband except under Customary Law where the idea of child betrothal still exist. In traditional set up there are instances where a woman is forced to marry a man once the man can pay the bride price. Under customary law marriage is not a simple union between a man and a woman, but is a union of families. Therefore, the wishes of the family are paramount and supersede that of the parties to the marriage.

Although Sharia law prescribe that a woman should not be given away to marriage without her consent, in practice some Moslem women are forced to marry against their wishes. This is because in most cases Sharia law is practiced hand in hand with custom and tradition. In some cases the traditional practices do over-shadow the religious prescriptions. Under Islamic and customary marriages a man can marry more than one wife whilst the woman cannot have more than one spouse. Over 90% of Gambian women are governed by Customary and Sharia laws vis-a-vis their family relationships.

In The Gambia, there is no minimum legal age for marriage. The constitution states only that men and women of full age and capacity shall have the right to marry and found a family. This however does not prohibit child marriage. Thus under customary law girls are married off at an age when they are not ready or prepared to take over the responsibilities of parenthood. This normally results in ill health. In practice, girls could be married off at the age of twelve years upwards. As mentioned earlier, Islamic and Customary Marriages are potentially polygamous. This is a system, which causes a lot of hardship to women. In our present economic situation most men cannot afford to bear the responsibilities of more than one wife so in most cases they merely neglect the first as soon as they take on another wife. This breeds a lot of jealousy and hatred in the family.

In The Gambia women are not rewarded financially for their contribution towards the family. Thus in a household where the woman stays at home to take care of the well-being of the family without any income, every tangible property belongs to the husband who goes out to work. So that if there is a divorce the woman will go away without anything and she will not be entitled to any protection under the law.

The law does not recognize or offer any protection to a woman who cohabits with a man. There is no legal obligation that exists between them; they are regarded as mere companions. This means that the man can get rid of the woman at any time. Where the man dies the woman is not entitled to inherit him. Even where there are issues to the relationship they too will not be entitled to any inheritance. In short the law does not recognizes or offer any protection to illegitimate children when their fathers die.

Under the Maintenance of Children's Act Cap 44:00 of the Laws of The Gambia, the parent of a child is bound to maintain his child whether legitimate or illegitimate. The Act also provides for determination and acknowledgement of paternity. It imposes an obligation on the putative father once paternity is established to maintain his child and imposes certain sanctions for failure to do so. This Act also deals with custody of a child where the parents are divorced. It provides that in determining who should have custody of the child, "the best interest of the child" will be the paramount consideration.

In The Gambia a child bears his father's name and not his mother's name. There is also a lot of preference for a male child than a female child because of the belief that a male child will propagate the family name (father's name) while a female child will get married and loose her family name. The law does not require a woman to change her name on marriage, but in practice most educated women do change their name on marriage. Under Islamic and Customary Laws relating to divorce women do not have the same rights as their husband. Under these systems a women is always at the mercy of the husband who may divorce his wife at will, whilst the same right is not available to women.

Under the inheritance laws of The Gambia illegitimate children are not allowed to inherit their father. Christian women can receive properties under their husbands will and the same goes for female children. Christian female children are also entitled to the same shares as their brothers under the intestate laws. However there is a lot of discrimination against women under Sharia and customary law. Under Sharia law a female child can only inherit 1/2 the share of a male child. The situation is made worse by virtue of the fact that under the Wills Act 1992, a Moslem cannot make a Will which is not in accordance with Islam. Under Islamic law, a Moslem can only Will away 1/3 of his property and the rest has to be administered in accordance with Islamic Laws.

Under Islamic law if a man dies leaving a son he will be entitled to his father's estate, but if he leaves only girls they will be entitled to only 50% whilst the rest goes to the man's family. Under Customary Law, a wife is not entitled to the property of her husband unless and until she agrees to be inherited by the family of the husband. This means that under Customary Law a woman is treated as a chattel to be inherited along with the property of the husband. Under Customary law preference is given to heirs than female children.

Christian women also find themselves disadvantaged in that their law of inheritance permits husband to Will away all their property, and if they so desire, leaving nothing for the wife and children. The law does not offer women any protections were this happens. In such instances, they find themselves even more disadvantaged than their Moslem sisters.

As regards wife abuse there is no law, which gives a husband the right to beat his wife. The Criminal Code does not have any specific laws which deals with wife abuse but it has the general laws on assault. In practice however, some husbands do beat their wives and in most cases it will be treated as a family matter rather than a case for the police. Even though it is evident that wife abuse does go on there are no official records on it.

Article 16 deals with matters of personal law and this is the area were women suffer most discrimination. Great attention will therefore be paid in reviewing the laws in this area with a view to alleviating the suffering of Gambian women. Women will be sensitised so that they may have a position in the home and in society at large.

THE WAY FORWARD

Significant strides have indeed been made in the advancement of women since the ratification of the Convention. There have been various changes in Law and Policy all geared towards alleviating the lot of Gambian women. However, despite these achievements, Government realizes that a lot more needs to be done. Relatively women continue to have a lower status compared to men.

The society is still male dominated and women continue to be the poorest, and the least educated. The participation of women in the public and political sphere is still limited by the traditional and social set up.

Rural women, in particular, still lack access to education and economic benefits. The inability of rural women to acquire land gives them limited access to credit facilities in the formal financial Institutions. They are only active in those sectors where incomes have been found to be low, such as crop production, petty trading, because of the lack of access to education. In the area of family law women still continue to be subjected to forced marriages despite the constitutional protection. Early marriages are still prevalent in The Gambia.

As a result girls of school going age are forced to get married thus adding to the number of uneducated or partially educated girls. Access to family planning services is still dependent on the consent of male partners as most women lack the necessary empowerment to make a choice of their own.

For educated women there is no child support system to enable them to take care of their children whilst pursuing their career responsibilities. This in essence restricts their access to employment in the sense that women may find themselves abandoning their jobs to take care of the family. The maternity leave continues to be very low and inadequate.

From the foregone, it is apparent that there is room for improvement with regard to the eliminating all forms of discrimination against women. The challenges for the future are quite overwhelming and in order to alleviate the lot of women vis-a-vis the CEDAW Convention, the following positive actions will be taken:

1. Women would be encouraged to act with concerted efforts in the form of advocacy and lobbying pressure groups with a view to influencing all policies at the highest level.

2. Women will be sensitized on the contents of the National Policy for the Advancement of Women with a view to ensuring that the Policy is implemented as soon as possible. The National Women's Bureau and Council will ensure that the strategies outlined in the Policy are effectively implemented. Effective implementation of this Policy will indeed address all the issues of concern to women vis a vis the CEDAW convention. The Policy is indeed a major positive measure, undertaken at the national level in fulfillment of the commitments under the Convention.

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